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GERARD J. MCGOWAN
Reg. No. 29,412
Attorney for Applicant(s)

6/25/02
Date of Signature

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

VED
JUL 16 2002
TECH CENTER 1600/2900

In re application of: Jarman et al.
Serial No.: 09/600,787
Filed: July 21, 2000
For: FROZEN FOOD PRODUCT

Group: 1638
Examiner: C. Collins
Edgewater, New Jersey 07020

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

	(2) * Claims Remaining After Amendment		(4)** Highest No. Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims		Minus			\$ 18.00	
Independent Claims		Minus			\$ 84.00	
Multiple Claims					\$ 280.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$	

*If the entry in Column (2) is less than the entry in Column (4), write "0" in Column (5).

**If the "Highest No. Previously Paid For" is less than "20," write "20" in this space.

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[X] The Commissioner is hereby authorized to charge any additional fees, which may be required to our deposit account No. 12-1155, including all required fees under

[X] 37 C.F.R. § 1.16;

[X] 37 C.F.R. § 1.17;

[X] 37 C.F.R. § 1.18.

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Gerard J. McGowan
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Gerard J. McGowan, Jr.
Reg. No. 29,412

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PATENT

UNUS #98-0087-UNI
CASE #F7417(C)

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JUL 16 2002

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1638
#16
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p12.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarman et al.
Serial No.: 09/600,787
Filed: July 21, 2000
For: FROZEN FOOD PRODUCT
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Edgewater, New Jersey 07020

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the outstanding restriction requirement mailed February 27, 2002, a three month extension of time for response to which is being requested, please consider the following provisional election and traverse in connection with the above identified patent application.

Provisional Election

Applicants hereby elect provisionally, without prejudice, the claims of Group I, with traverse.

The Examiner has objected that the application contains a total of five inventions (listed as Groups I-V) which do not relate to a single general inventive concept and requires Applicant to elect a single invention to which the claims must be restricted. Applicants wish, of course, to reserve the right to file continuing applications to the non-elected subject matter.

The Office argues that the inventions listed as Group I-V lack the same or corresponding special technical features. It is stated that an antifreeze protein which can be derived from plants does not constitute a special technical feature because it does not define a contribution over the prior art. Applicants contend that the special technical feature is not simply an antifreeze protein, which can be derived from plants but is an antifreeze protein, obtainable from plants, which has the stated amino acid composition. Applicants submit that this is neither disclosed nor rendered obvious by the cited prior art. The remaining groups of inventions identified by the Examiner are all clearly linked by this technical feature; group II is drawn to the gene sequence encoding the protein, Group III to a food product comprising the protein; Group IV to a method for preparing it and Group V to a plant capable of expressing it.

In view of the foregoing, it is submitted that there is a sufficient link such that it would be sensible to examine all the claims in a single application. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

Respectfully submitted,



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